

BILL NO. G-86-12-24

GENERAL ORDINANCE NO. G-05-87

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a utility easement thereof.

WHEREAS, a petition to vacate a dedicated utility
easement within the City of Fort Wayne (as more specifically
described below) was duly filed with the City Planning
Commission; and

WHEREAS, said Commission duly held a public hearing
thereof; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in
I.C. 36-7-3-13; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
dedicated utility easement within the City of Fort Wayne,
more specifically described as follows, to-wit:

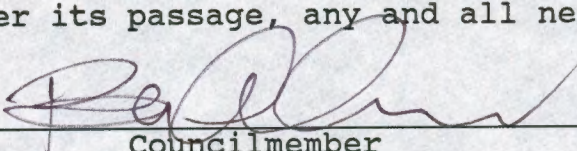
Part of Lot #5 in Richardville Reserve west of the
St. Marys River in Township 30 North, Range 12 East,
Allen County, Indiana more particularly described as
follows:

Commencing at a point on the east line of Lot #5 of the
Richardville Reserve, Township 30 North, Range 12 East,
Allen County, Indiana, said point being on the South
right of way line of Lower Huntington Road; thence
southwest a distance of 635 feet to a point, said point
being 60 feet west of the east line of Lot #5; thence
west with a deflection angle to the right of 70
degr. 30 min. a distance of 530 feet; thence southwest
with a deflection angle to the left 45 degr. 00 min. a
distance of 85 feet; thence south with a deflection
angle to the left of 46 degr. 00 min. a distance of
457.0 feet; thence east with a deflection angle to
the left of 74 degr. 00 min. a distance of 87 feet to
point "A"; thence North with a deflection angle to the
left of 90 degr. 00 min. a distance of 15 feet to the

1 point of beginning; thence east with a deflection angle
2 to the right of 90 degr. 00 min. a distance of 214
3 feet; thence north with a deflection angle to the
4 left of 90 degr. 00 min. a distance of 15 feet; thence
west with a deflection angle to the left of 90 degr. 00
min. a distance of 214 feet; thence south with a
deflection angle to the left of 90 degr. 00 min. a
distance of 15 feet to the point of beginning.

5 and which vacating amends the Thoroughfare Plan of the City
6 Comprehensive ("Master") Plan and is hereby approved in all
7 respects.

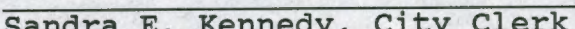
8 SECTION 2. That this Ordinance shall be in full force
9 and effect from and after its passage, any and all necessary
10 approval by the Mayor.

11 
Councilmember

12 APPROVED AS TO FORM AND LEGALITY:

13 
14 BRUCE O. BOXBERGER, CITY ATTORNEY

15 ** Public hearing to be held on _____, the
16 day of _____ 1986, in the Council
17 Chambers.

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19 
Sandra E. Kennedy, City Clerk
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Read the first time in full and on motion by E. Stier
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M.

DATE: 12-23-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Stier, and duly adopted, placed on final
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 1-27-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 11-05-87

on the 27th day of January, 1987

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the 28th day of January, 1987
at the hour of 1:00 o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of January
1987, at the hour of 11:00 o'clock A M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

OK # 33073

No 1148

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 11-10-86

RECEIVED FROM Barrett Corp \$ 100.00
THE SUM OF One hundred & 00/100 DOLLARS

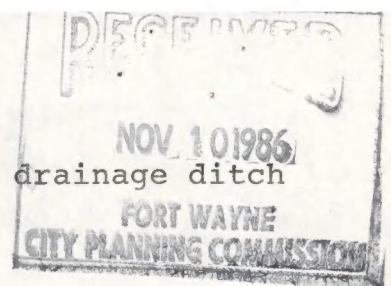
ON ACCOUNT OF Community Development

Authorized Signature

VACATION ORDINANCE

PETITION TO VACATE portion of an Easement for a drainage ditch

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA



The undersigned petitioner respectfully petitions the Fort Wayne City Plan Commission to vacate the following portion of a right-of-way and Easement for a drainage ditch within the City of Fort Wayne, Indiana, described as follows:

Part of Lot #5 in Richardville Reserve west of the St. Marys River in Township 30 North, Range 12 East, Allen County, Indiana more particularly described as follows:

Commencing at a point on the east line of Lot #5 of the Richardville Reserve, Township 30 North, Range 12 East, Allen County, Indiana, said point being on the South right of way line of Lower Huntington Road; thence southwest a distance of 635 feet to a point, said point being 60 feet west of the east line of Lot #5; thence west with a deflection angle to the right of 70 degr. 30 min. a distance of 530 feet; thence southwest with a deflection angle to the left 45 degr. 00 min. a distance of 85 feet; thence south with a deflection angle to the left of 46 degr. 00 min. a distance of 457.0 feet; thence east with a deflection angle to the left of 74 degr. 00 min. a distance of 87 feet to point "A"; thence North with a deflection angle to the left of 90 degr. 00 min. a distance of 15 feet to the point of beginning; thence east with a deflection angle to the right of 90 deg. 00 min. a distance of 214 feet; thence north with a deflection angle to the left of 90 deg. 00 min. a distance of 15 feet; thence west with a deflection angle to the left of 90 deg. 00 min. a distance of 214 feet; thence south with a deflection angle to the left 90 deg. 00 min. a distance of 15 feet to the point of beginning.

In support thereof, your petitioner would represent as follows:

1. Petitioner is the only owner of the real estate bordering both sides of the portion of the Easement to be vacated.
2. The portion of the Easement to be vacated is not necessary and does not benefit other properties whatsoever.
3. No other person, firm or corporation is interested in or affected by the requested vacation.
4. The maintenance of the portion of the Easement to be vacated is not necessary or advantageous to the growth of the City of Fort Wayne, and the vacation would be to the best interest of the City and the citizens thereof.
5. The portion of the Easement to be vacated is part of an Easement 60' feet in width granted to the Commissioners of Allen County, Indiana on December 1, 1976. A copy of the Grant of Easement is attached hereto as Exhibit "A" The Easement is now held by the City of Fort Wayne by reason of the annexation of the real estate on which the Easement is located.

6. The portion of the Easement to be vacated is a 214' strip of the north 15' of the width of the Easement, as shown on the attached Survey of the portion to be vacated prepared by Owens & Russell Associates, a copy of the Survey being attached hereto as Exhibit "B". There is no longer any need for a 60' Easement because a pipe has been put in to carry the water formerly flowing through the ditch. The vacation of the portion of the Easement will not hinder in any way maintenance of the pipe by the City.

Your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation above described.

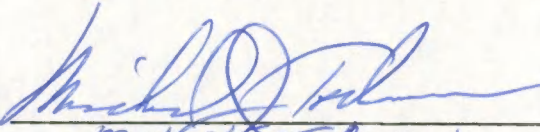
WHEREFORE, your petitioner prays that the above described portion of Easement be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED this 16th day of October, 1986.

Petitioner:

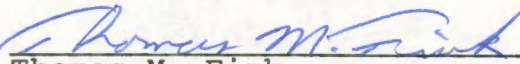
WILLOW CREEK, Ltd.

By:


Michael P. Toderan
General Partner

BARRETT & McNAGNY
Attorneys for Willow Creek, Ltd.

By:


Thomas M. Fink

Thomas M. Fink
2100 Fort Wayne Bank Bldg.
Fort Wayne, IN 46802
Telephone: (219) 422-3547

GRANT OF EASEMENT

THIS INDENTURE made and entered into this 1 day of December, 1976, by and between COLONIAL INVESTMENT CORPORATION, an Indiana Corporation, hereinafter called the "Grantor", and COMMISSIONERS OF ALLEN COUNTY, INDIANA, hereinafter called the "Grantees", WITNESSETH:

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid, receipt of which Grantor hereby acknowledges, Grantor hereby conveys and warrants to Grantee a permanent right-of-way and easement for one drainage ditch, the said Grantor hereby grants unto the Grantees, its successors and assigns the right to inspect the said ditch on, over and through the following described real estate which Grantor warrants that they are the owners in fee simple located in Allen County, Indiana, to-wit:

Part of Lot #5 in Richardville Reserve west of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the southwest corner of Lot #5 in Richardville Reserve west of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana; thence northeasterly along the northwesterly line of said Lot #5 on an assumed bearing of North 26 degr. 30 min. east, a distance of 953.9 feet; thence south 73 degr. 38 min. 42 sec. east, a distance of 40.64 feet to a point on the easterly right of way line of Baer Field Thruway, said point being the true point of beginning; thence north 26 degr. 30 min. east along the easterly right of way line of the Baer Field Thruway, a distance of 478.5 feet; thence south 76 degr. 38.3 min. east, a distance of 430 feet; thence north 41 degr. 21.7 min. east, a distance of 227.55 feet; thence south 48 degr. 38.3 min. east a distance of 262.01 feet; thence north 26 degr. 30 min. east, a distance of 1020 feet to a point on the south right of way line of Lower Huntington Road; thence south 76 degr. 38 min. 18 sec. east along the south right of way line of Lower Huntington Road, a distance of 623.26 feet to a point on the east line of Lot #5 in Richardville Reserve; thence south 25 degr. 04 min. 36 sec. west along the east line of Lot #5, a distance of 1644.58 feet; thence north 73 degr. 38 min. 42 sec. west a distance of 1399.53 feet to the true point of beginning, containing 32.88 acres.

said right-of-way and easement being sixty (60) feet in width across the above described property, being thirty (30) feet, more or less on each side of a centerline of said property, said centerline of said property being described as follows to-wit:

That part of Lot #5 of the Richardville Reserve, Township 30 North, Range 12 East, Allen County, Indiana, being 30 feet on either side of the following described centerline:

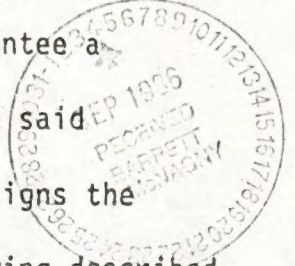
DULY ENTERED FOR TAXATION

DEC 2 1976

Jan D. Uebelacker
AUDITOR OF ALLEN COUNTY

Exhibit "A"

ALLEN COUNTY RECORDER
J. E. P. [Signature]



successors and assigns of the parties hereto.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this

1 day of December, 1976.

COLONIAL INVESTMENT CORPORATION

BY:

Richard D. Waterfield
Richard D. Waterfield, Executive

Vice President

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

Before me, a Notary Public, in and for said County and State, on this 1 day of December, 1976, personally appeared Richard D. Waterfield, Executive Vice President, of Colonial Investment Corporation, who acknowledged the execution of the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year above written.

Sue Ann Miller

Notary Public

Sue Ann Miller

My Commission Expires:

October 9, 1979

This instrument was prepared by Floyd A. Ramsier, Associate Counsel
Colonial Mortgage Company of Indiana, Inc.
333 East Washington Boulevard
Fort Wayne, Indiana 46801

Grantors certify under oath that no Indiana gross income tax is due or payable in respect to the transfer made by this deed.

OWENS

RUSSELL ASSOCIATES

1402 EAST STATE BLVD.
FORT WAYNE, IN. 46805
PHONE: 484-7500

CERTIFICATE OF SURVEY

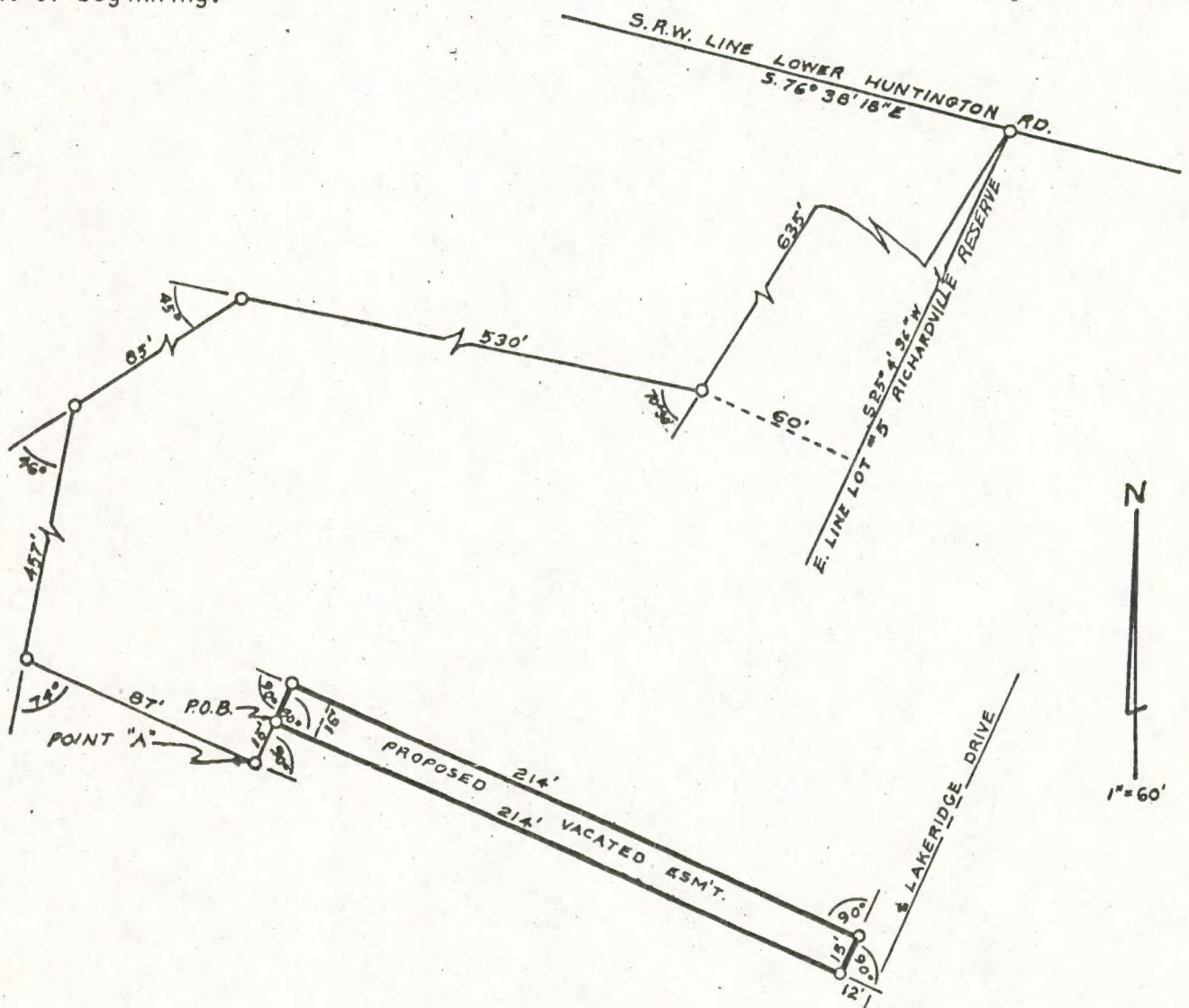
The undersigned Land Surveyor, registered under the Laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below, that measurements were made and monuments were set in conformity with records on file in the office of the Recorder of ALLEN County, Indiana and that any encroachments or discrepancies found on said real estate are shown below.

Legal description of real estate:

VACATED EASEMENT

Part of Lot #5 in Richardville Reserve west of the St. Marys River in Township 30 North, Range 12 East, Allen county, Indiana more particularly described as follows:

Commencing at a point on the east line of Lot #5 of the Richardville Reserve, Township 30 North, Range 12 East, Allen County, Indiana, said point being on the South right of way line of Lower Huntington Road; thence southwest a distance of 635 feet to a point, said point being 60 feet west of the east line of Lot #5; thence west with a deflection angle to the right of 70 degr. 30 min. a distance of 530 feet; thence southwest with a deflection angle to the left 45 degr. 00 min. a distance of 85 feet; thence south with a deflection angle to the left of 46 degr. 00 min. a distance of 457.0 feet; thence east with a deflection angle to the left of 74 degr. 00 min. a distance of 87 feet to point "A"; thence North with a deflection angle to the left of 90 degr. 00 min. a distance of 15 feet to the point of beginning; thence east with a deflection angle to the right of 90 deg. 00 min. a distance of 214 feet; thence north with a deflection angle to the left of 90 deg. 00 min. a distance of 15 feet; thence west with a deflection angle to the left of 90 deg. 00 min. a distance of 214 feet; thence south with a deflection angle to the left 90 deg. 00 min. a distance of 15 feet to the point of beginning.



FOR THE EXCLUSIVE USE OF:

WILLOW CREEK CROSSINGDATE OCT. 7, 1986JOB NO. X860591

CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS

Exhibit "B"

RESOLUTION

WHEREAS, COLONIAL INVESTMENT CORPORATION, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of a dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

Part of Lot #5 in Richardville Reserve west of the St. Marys River in Township 30 North, Range 12 East, Allen County, Indiana more particularly described as follows:

Commencing at a point on the east line of Lot #5 of the Richardville Reserve, Township 30 North, Range 12 East, Allen County, Indiana, said point being on the South right of way line of Lower Huntington Road; thence southwest a distance of 635 feet to a point, said point being 60 feet west of the east line of Lot #5; thence west with a deflection angle to the right of 70 degr. 30 min. a distance of 530 feet; thence southwest with a deflection angle to the left 45 degr. 00 min. a distance of 85 feet; thence south with a deflection angle to the left of 46 degr. 00 min. a distance of 457.0 feet; thence east with a deflection angle to the left of 74 degr. 00 min. a distance of 87 feet to point "A"; thence North with a deflection angle to the left of 90 degr. 00 min. a distance of 15 feet to the point of beginning; thence east with a deflection angle to the right of 90 degr. 00 min. a distance of 214 feet; thence north with a deflection angle to the left of 90 degr. 00 min. a distance of 15 feet; thence west with a deflection angle to the left of 90 degr. 00 min. a distance of 214 feet; thence south with a deflection angle to the left of 90 degr. 00 min. a distance of 15 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on December 15, 1986 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated portion of utility easement.

WHEREAS, said vacation of dedicated portion of utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated portion of a utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated portion of utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated portion of utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

DATED THIS 26 DAY OF December 1986

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith, Secretary

RESOLUTION 77-27-2

WHEREAS, COLONIAL INVESTMENT CORPORATION, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of a dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

Part of Lot #5 in Richardville Reserve west of the St. Marys River in Township 30 North, Range 12 East, Allen County, Indiana more particularly described as follows:

Commencing at a point on the east line of Lot #5 of the Richardville Reserve, Township 30 North, Range 12 East, Allen County, Indiana, said point being on the South right of way line of Lower Huntington Road; thence southwest a distance of 635 feet to a point, said point being 60 feet west of the east line of Lot #5; thence west with a deflection angle to the right of 70 degr. 30 min. a distance of 530 feet; thence southwest with a deflection angle to the left 45 degr. 00 min. a distance of 85 feet; thence south with a deflection angle to the left of 46 degr. 00 min. a distance of 457.0 feet; thence east with a deflection angle to the left of 74 degr. 00 min. a distance of 87 feet to point "A"; thence North with a deflection angle to the left of 90 degr. 00 min. a distance of 15 feet to the point of beginning; thence east with a deflection angle to the right of 90 degr. 00 min. a distance of 214 feet; thence north with a deflection angle to the left of 90 degr. 00 min. a distance of 15 feet; thence west with a deflection angle to the left of 90 degr. 00 min. a distance of 214 feet; thence south with a deflection angle to the left of 90 degr. 00 min. a distance of 15 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a portion of a dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of a portion of dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said portionof a dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

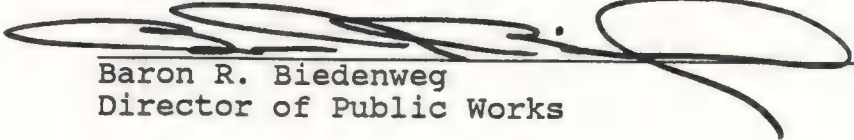
COUNTY OF ALLEN)

I, Baron R. Gredeneueg, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted

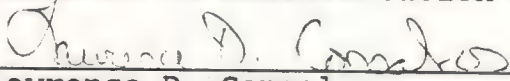
by the Fort Wayne Board of Public Works at their meeting held
December 30, 1986 and as same appears
of record in the official records of the Board of Public Works

DATED THIS 30th DAY OF December, 1986

FORT WAYNE BOARD OF PUBLIC WORKS


Baron R. Biedenweg
Director of Public Works

Cosette R. Simon
Director of Administration & Finance


Lawrence D. Consalvos
Director of Public Safety

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. 4

DIGEST SHEET

ORIGINAL

J-86-12-24

TITLE OF ORDINANCE _____

Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE _____

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____

15' x 214' utility easement in Willow Creek Crossing Apartment

Complex

EFFECT OF PASSAGE _____

Property is now a dedicated utility easement. Property would

be vacated and revert to ownership and use of adjacent property owners.

EFFECT OF NON-PASSAGE _____

Property would remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____)

Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

Utility Easement Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

Easement is located in Willowcreek
Crossing Apartments

Reason for Project

To allow for expansion of a maintenance
building.

Discussion (Including relationship to other Council actions)

15 December 1986 - Public Hearing

Thomas Fink, attorney for the petitioners stated that the request is to vacate N 15' of a drainage easement. He stated that the easement is currently 60 feet wide and runs across the property of Willow Creek Apartments. He stated that at one time the easement consisted of a ditch, but that ditch has been completely filled in and the drainage of the water is now being handled by an underground culvert which is essentially a large corrugated steel pipe. He stated that the pipe runs down the middle of the width of the 60 foot easement that lies to the west of Lakeridge Drive. He stated they want the vacation to allow for Willow Creek to expand a maintenance building that is presently on the property. He stated that the vacation will in no way interfere with the maintenance of the underground pipe. He stated that there are no property owners affected by the vacation.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Colonial Investment Group
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation
☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
 (See Details column for conditions)

**CITY COUNCIL
ACTIONS**
 (For Council
use only)

☐ Pass ☐ Other

☐ Pass (as
amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

22 December 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the 7 members present 6 voted in favor of the recommendation one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 10 November 1986

Projected Completion or Occupancy

Date 26 December 1986

Fact Sheet Prepared by

Patricia Biancaniello

Date 26 December 1986

Reviewed by

Dan Butler

Reference or Case Number

Date

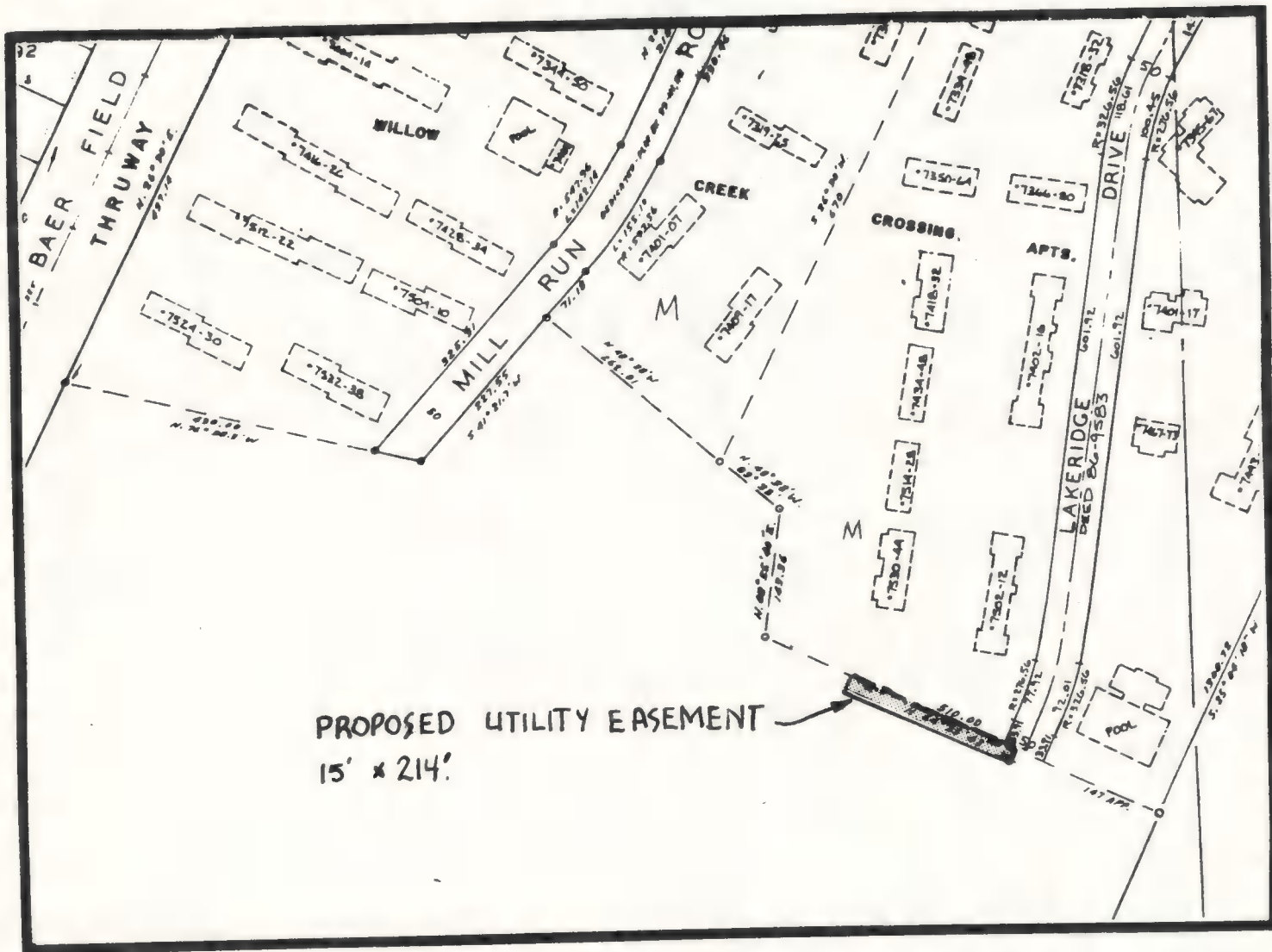
6 January 1987

VACATION PETITION #736

A PETITION TO VACATE THE DESCRIBED UTILITY EASEMENT.

MAP NO. K-31

COUNCILMANIC DISTRICT NO. 4



ZONING:

RB RESIDENCE 'B'

LAND USE:

M MULTI-FAMILY

SCALE: 1" = 200'

DATE: 11-25-24



BILL NO. G-86-12-24

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the Thoroughfare Plan
of the City Comprehensive ("Master") Plan by vacating a
utility easement thereof

(HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
~~(RESOLUTION)~~ No Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN 1-27-87

SANDRA E. KENNEDY
CITY CLERK

2. UTILITY EASEMENT VACATION

Part of Lot #5 in Richardville Reserve west of the St. Marys River in Township 30 North, Range 12 East, Allen County, Indiana more particularly described as follows:

Commencing at a point on the east line of Lot #5 of the Richardville Reserve, Township 30 North, Range 12 East, Allen County, Indiana, said point being on the South right of way line of Lower Huntington Road; thence southwest a distance of 635 feet to a point, said point being 60 feet west of the east line of Lot #5; thence west with a deflection angle to the right of 70 degr. 30 min. a distance of 530 feet; thence southwest with a deflection angle to the left 45 degr. 00 min. a distance of 85 feet; thence south with a deflection angle to the left of 46 degr. 00 min. a distance of 457.0 feet; thence east with a deflection angle to the left of 74 degr. 00 min. a distance of 87 feet to point "A"; thence North with a deflection angle to the left of 90 degr. 00 min. a distance of 15 feet to the point of beginning; thence east with a deflection angle to the right of 90 degr. 00 min. a distance of 214 feet; thence north with a deflection angle to the left of 90 degr. 00 min. a distance of 15 feet; thence west with a deflection angle to the left of 90 degr. 00 min. a distance of 214 feet; thence south with a deflection angle to the left of 90 degr. 00 min. a distance of 15 feet to the point of beginning.

All interested persons are invited to attend.

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-86-12-24

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, January 27, 1987, at 7:00 P.M., (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Easement is located in Willowcreek Crossing Apartments. To allow for expansion of a maintenance building.

2. UTILITY EASEMENT VACATION

Part of Lot #5 in Richardville Reserve west of the St. Marys River in Township 30 North, Range 12 East, Allen County, Indiana more particularly described as follows:

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All interested persons are invited to attend.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

January 8, 1987

Thomas Fink, Attorney
2100 Fort Wayne National Bank Bldg.
Fort Wayne, Indiana 46802

NOTICE OF PUBLIC HEARING ON BILL NO. G-86-12-24

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, January 27, 1987, at 7:00 P.M., (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, Fort Wayne, Indiana on the following:

15' x 214" utility easement in Willow Creek crossing Apartment Complex. To allow for expansion of a maintenance building.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

January 8, 1987

Ms. Marilyn Romine
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Romine:

Please give the attached full coverage on the date of January 12, 1987, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-86-12-24
Bill No. G-86-12-25

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines		
Head	number of lines	3
Body	number of lines	36
Tail	number of lines	2
Total number of lines in notice		41

COMPUTATION OF CHARGES

41	1	41	.300¢	12.30
lines, columns wide equals equivalent lines at cents per line				\$
Additional charge for notices containing rule or tabular work (50 per cent of above amount)				
Charge for extra proofs of publication (1.00 for each proof in excess of two) 2 extra				2.00
TOTAL AMOUNT OF CLAIM				\$ 14.30

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6 point
Number of insertions 1	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose
Date Jan. 12 1987
Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being as follows:

1/12/87

Subscribed and sworn to me before this 12th day of January 1987
Shelley R. Larue Notary Public

My commission expires March 3, 1990

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-86-12-24

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All interested persons are invited to attend.
Sandra E. Kennedy
Fort Wayne Common Council

1-12

Fort Wayne Common Council
(Governmental Unit)
Allen
County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	
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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose
Title CLERK

Date Jan. 12, 19 87

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, one time which was duly published in said paper for the dates of publication being as follows:

1/12/87

Subscribed and sworn to me before this 12th day of January 19 87

Shelley R. LaRue Notary Public

My commission expires March 3, 1990

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Sandra E. Kennedy
Fort Wayne Common Council